

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO.: 2:20-cr-64-FtM-38MRM

BRADLEIGH WAYNE CARTER

ORDER OF FORFEITURE¹

Before the Court, pursuant to 18 U.S.C. § 924(d), 28 U.S.C. § 2461(c), and Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure, is the United States' Motion for a Preliminary Order of Forfeiture for a **Sig Sauer (Sig-Arms) 9mm pistol, model P230, serial number 58B196911**, which was seized from Defendant Bradley Wayne Carter in relation to the above-referenced case. ([Doc. 70](#)).

The United States filed a Criminal Complaint against Carter for possession of a controlled substance with intent to distribute and for possession of a firearm in furtherance of a drug trafficking crime, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(viii). The Criminal Complaint against Carter was signed by United States Magistrate Judge Nicholas P. Mizell on February 27, 2020. On March 11, 2020, a Federal Grand Jury returned a four-count

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indictment charging Carter with one count of possession of firearm by a convicted felon, one count of attempted possession of a controlled substance with intent to distribute, one count of possession of a controlled substance containing fentanyl with intent to distribute, and one count possession of firearm in furtherance of a drug trafficking crime. On June 3, 2020, a Federal Grand Jury returned a four-count Superseding Indictment charging Carter with one-count of possession of firearm by a convicted felon, one-count of attempting to possess methamphetamine with intent to distribute, one-count of possession with intent to distribute a controlled substance containing fentanyl, and one-count possession of a firearm in furtherance of a drug-trafficking crime. The Indictment, as well as the Superseding Indictment contained forfeiture allegations providing Carter with notice of the Government's intent to seek forfeiture of the Sig Sauer firearm. ([Doc. 34](#)).

Carter appeared before Magistrate Judge Mac R. McCoy on October 6, 2020 and entered a plea of guilty to Count Two and Count Four of the Superseding Indictment in accordance with the Amended Plea Agreement ([Doc. 63](#)). The District Court accepted Carter's plea and adjudicated him guilty on October 7, 2020. ([Doc. 65](#)). Additionally, as per the Amended Plea Agreement, Carter agreed to forfeit the Sig Sauer firearm that was involved in the commission of the offense charged in Count Four of the Superseding

Indictment, further agreeing that the preliminary order of forfeiture shall become final at the time it is entered ([Doc. 63](#)).

The Court finds that the United States' has established the required connection between the crime and the asset. The United States is entitled to forfeit the property, therefore, the motion is **GRANTED**. Further, pursuant to 18 U.S.C. § 924(d), 28 U.S.C. § 2461(c), and Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure, the Court **ORDERS** that the firearm identified above is hereby **FORFEITED** to the United States for disposition according to law.

This forfeiture order as to Defendant Bradleigh Wayne Carter **SHALL** become final at the time it is entered. The Court retains jurisdiction to complete the forfeiture and disposition of the assets sought by the Government.

DONE AND ORDERED in Fort Myers, Florida on December 29, 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: Counsel of Record